

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ACTIVE ORGANICS, INC.

Plaintiff;

v.

CASE NO.: 2-05CV-408

IMMANENCE DERMO-INNOVATION INC.

Defendant.

ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE

On this the 15 day of February, 2006, the Court considered Plaintiff Active Organics, Inc.'s Notice of Dismissal with Prejudice (the "Notice"). After considering the Notice, the Court is of the opinion that the Notice is meritorious and should be granted based on the following:

In its Original Complaint, Plaintiff Active Organics, Inc. ("Plaintiff") alleges that it has certain rights in the Trade Dress, as defined in the Original Complaint. Plaintiff and Defendant Immanence Dermo-Innovation Inc. ("Defendant") have agreed to settle the matters made subject of this lawsuit.

Plaintiff filed the Notice to dismiss its claims and this lawsuit against Defendant with prejudice.

Based on the foregoing, the Court orders as follows:

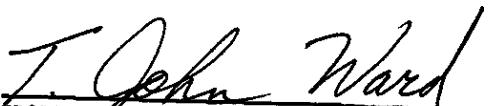
It is ORDERED that the Notice of Dismissal with Prejudice is GRANTED. --1

It is further ORDERED that this case and Plaintiff's claims against Defendant are DISMISSED WITH PREJUDICE; and

It is further ORDERED that all costs of suit shall be taxed against the party incurring same; and

It is further ORDERED that all other relief not expressly granted herein is DENIED. This Order disposes of all parties and all of Plaintiff's claims and is a Final Order.

SIGNED this the 15 day of February, 2006.


HONORABLE T. JOHN WARD,
UNITED STATES DISTRICT JUDGE